

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MAINE**

**IN RE COMPACT DISC MINIMUM  
ADVERTISED PRICE ANTITRUST  
LITIGATION**

**] ] ]**

**MDL DOCKET No. 1361**

**INITIAL PRETRIAL ORDER**

As a result of a conference of counsel held on November 28, 2000, I have established the following deadlines:

December 8, 2000 is the deadline for filing of proposed criteria for selection of private plaintiffs' lead counsel and any application to be designated lead counsel for the private plaintiffs.

December 22, 2000 is the deadline for filing a consolidated complaint on behalf of the private plaintiffs; for filing any amended complaint by the State Attorneys General and by Margaret Roy; for filing any amendments to the complaint and for joinder of parties, except for matters newly learned in subsequent discovery; and for filing a proposed confidentiality order for approval by the Court.

January 5, 2001 is the deadline for the private plaintiffs to file the motion for class certification.

January 12, 2001 is the deadline for disclosure of Federal Trade Commission documents and Attorney General documents, assuming that the Court has approved the confidentiality order.

January 26, 2001 is the deadline for filing responsive pleadings, it being the current understanding that motions and answers will be filed simultaneously.

February 23, 2001 is the deadline for responding to any motions.

March 8, 2001 is the deadline for any replies.

A conference of counsel will be held on January 31, 2001, primarily on discovery.

Counsel will proceed to discuss and negotiate a protocol for discovery against retailers and any other matters they can resolve. No actual discovery shall take place before December 22 when the new complaints are filed and any discovery to be undertaken before the January 31 conference with the Court shall be done only by prior approval of the Court which may be requested by telephone conference.

I stated at the conference on November 28 that I would address the issue of attorney fees, but the matter escaped my attention. I understand that defense counsel will be looking to their own clients for payment of fees and not requesting any fees from opposing parties. I also understand that plaintiffs, both the Attorney General plaintiffs and the private plaintiffs, will be seeking fee awards against opposing parties. Any counsel who expects to make a fee request shall keep a contemporaneous daily record of time spent and expenses incurred in connection with this litigation recording with specificity the hours, location and particular activity (such as "conduct of deposition of AB"). The failure to maintain such records will be grounds for denying court-awarded attorney fees, as will an

insufficient description of the activity (such as “research” or “review of correspondence”). By the 15th day of each month beginning with the month of January, 2001, each firm that may seek an award or approval of a fee by the Court shall file under seal with the Clerk a report summarizing according to each separate activity the time and expenses spent by its members, associates or paralegals during the preceding month, the applicable ordinary billing rates in effect during such month and the accumulated total of the firm’s time, hourly rates and expenses to date.

I appointed liaison counsel at the conference. See also Order Appointing Liaison Counsel dated November 29, 2000. I do not currently intend to appoint lead counsel for the defendants given the defendants’ assurances that they will not file duplicative legal arguments or discovery. The matter is subject to review upon request of any party or on my own initiative. I did appoint lead counsel for the State Attorneys General.

The Clerk’s Office will mail copies of this and all other Orders only to liaison counsel. All orders will also be posted on the Court’s website in the Opinions section at [www.med.uscourts.gov](http://www.med.uscourts.gov).

**SO ORDERED.**

**DATED THIS 29TH DAY OF NOVEMBER, 2000.**

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**D. BROCK HORNBY**  
**UNITED STATES CHIEF DISTRICT JUDGE**